THE HONOURABLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION NO. 4852 of 2006

ORDER:

Heard the learned counsel for the petitioners and the learned Assistant Solicitor General for the respondent.

The prayer in the writ petition is as under:

> "To issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent as illegal and direct the respondent to consider the applications of the petitioners."

The facts in the writ petition are that all the petitioners are Freedom Fighters and dependants of Freedom Fighters applied for freedom fighters pension under the Central Government Scheme known as Swatantra Sainik Samman Pension, 1980 (for short 'SSSP'). Their names were recommended by the State Government to the respondent authority. The said proceedings were also mentioned in the list enclosed to the legal notice dated 17.01.2005 issued to the respondent authority. When there was no response from the respondent authority, after the petitioners' names are recommended, the petitioners got issued a legal notice dated 17.01.2005 enclosing the names, the application dates, State Government recommendation proceeding numbers and dates etc. Even after the notice is served, still there is no action from the respondent authority. In those circumstances, the present writ petition is filed.

The respondent filed a counter-affidavit denying the averments made in the affidavit filed in support of the writ petition and contended inter alia that Swatantra Sainik Samman Pension Scheme, 1980 can be considered by the Central Government when the applications are duly verified and recommended in accordance with the provisions of the Scheme. If an application is directly sent to the Central Government without routing through the State Government, the same cannot be considered. It is also stated in the counter-affidavit that no state verification reports are available and not received by the Ministry. The petitioners have not indicated details of furnishing of their applications nor forwarding of verification reports in their cases by the State Government. Therefore, the respondent authority is not in a position to give any comments on the claims made in the writ petition. However, the petitioners filed miscellaneous petition in WPMP No.31714 of 2006 enclosing the copy of the legal notice and recommendation letters of the State Government recommending the respondent authority to consider the applications of the petitioners.

Perusal of the said documents would indicate that the State Government recommended the case of the petitioners along with the necessary documents filed by the applicants, found to be genuine. In the light of the same, the statement made in the counter-affidavit that no State verification reports in the case of the petitioners have been received by the Ministry and the petitioners have not indicated the details of furnishing of their applications nor forwarding verification reports in their cases by the State Government, may not be correct.

However, the learned counsel for the petitioners requested this Court to consider the ages of the petitioners and to avoid further delay, sought direction to the respondent authority to consider the applications of the petitioners and pass appropriate orders. Learned Assistant Solicitor General fairly conceded that a mandamus in that regard can be issued to the respondent authority for verifying the applications of the petitioners along with the material enclosed and pass appropriate orders.

Accordingly, the respondent authority is directed to verify the applications of the petitioners sent by the State Government along with the reports enclosed for grant of Swatantra Sainik Samman Pension in accordance with the rules and regulations framed under the Scheme, as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

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P. KESHAVA RAO,J

Date:02.02.2018
CCM

THE HONOURABLE SRI JUSTICE P. KESHAVA RAO

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

WRIT PETITION No.4852 of 2006

Date:02.02.2018

CCM